



JOINT MEETING OF THE MILPITAS CITY COUNCIL AND MILPITAS HOUSING AUTHORITY

For assistance in the following languages, you may call:

Đối với Việt Nam, gọi 408-586-3122

Para sa Tagalog, tumawag sa 408-586-3051

Para español, llame 408-586-3232

AGENDA

TUESDAY, DECEMBER 18, 2018
455 EAST CALAVERAS BOULEVARD, MILPITAS, CA
7:00 P.M. (PUBLIC BUSINESS)

SUMMARY OF CONTENTS

- I. CALL JOINT MEETING TO ORDER by Mayor/Chair and ROLL CALL by City Clerk**
- II. PLEDGE OF ALLEGIANCE (7:00 p.m.)**
- III. INVOCATION (Vice Mayor Grilli)**
- IV. REPORT OF ELECTION RESULTS AND CERTIFYING RESOLUTION**
 - 1. Report of Municipal Election Results of November 6, 2018, and Adopt a Resolution to Certify Final Results of Candidate and Ballot Measure Election (Staff Contact: Mary Lavelle, 408-586-3001)**
- V. PRESENTATIONS**
 - To outgoing City Councilmembers Marsha Grilli and Garry Barbadillo

*** Break for Reception and Refreshments ***
- VI. SWEARING-IN OF MAYOR RICHARD TRAN - Ceremonial Oath**
- VII. SWEARING-IN OF NEWLY ELECTED CITY COUNCILMEMBERS**
 - City Councilmember Karina Dominguez – *Ceremonial Oath*
 - City Councilmember Carmen Montano - *Ceremonial Oath*
- VIII. PUBLIC FORUM**

Those in the audience are invited to address City Council on any subject not on tonight's agenda. Speakers must come to the podium, state their name and city of residence for the Clerk and limit spoken remarks to 3 minutes. As an item not listed on the agenda, no response is required from City staff nor Council and no action can be taken. Council may instruct the City Manager to place the item on a future meeting agenda.

- IX. ANNOUNCEMENTS**
- X. ANNOUNCEMENT OF CONFLICT OF INTEREST AND CAMPAIGN CONTRIBUTIONS**
- XI. APPROVAL OF [AGENDA](#)**
- XII. ELECTION OF VICE MAYOR**
- XIII. CONSENT CALENDAR (Items No. 1 through No. 20)**

Consent calendar items are considered to be routine and will be considered for adoption by one motion. There will be no separate discussion of these items unless a City Councilmember, member of the audience or staff requests the Council to remove an item from (or be added to) the consent calendar. Any person desiring to speak on any item on the consent calendar should ask to have that item removed from the consent calendar. If removed, this item will be discussed in the order in which it appears on the agenda.

2.	Accept Schedules of Meetings/City Council Calendars for December 2018 and January 2019 (Staff Contact: Mary Lavelle, 408-586-3001)
3.	Approve City Council Meeting Minutes of November 29 and December 4, 2018 (Staff Contact: Mary Lavelle, 408-586-3001)
4.	Adopt a Resolution Directing Staff to Fly City Event Celebration and/or Commemorative Flags at Various Events throughout the 2019 Calendar Year (Staff Contact: Renee Lorentzen, 408-586-3409)
5.	Adopt a Resolution Updating the Conflict of Interest Code and Amending List of Designated Disclosure Positions for the City of Milpitas (Staff Contact: Mary Lavelle, 408-586-3001)
6.	Adopt a Resolution Granting Acceptance of the Street Resurfacing Project 2018, Phase I, Projects No. 4283 and No. 4287 and Granting Authorization to the City Engineer to File a Notice of Completion (Staff Contact: Steve Erickson, 408-586-3301)
7.	Adopt a Resolution Granting Acceptance of the Street Resurfacing Project 2018, Phase II, Projects No. 4284, No. 4287 and No. 4291 and Granting Authorization to the City Engineer to File a Notice of Completion (Staff Contact: Steve Erickson, 408-586-3301)
8.	Adopt a Resolution Approving the Sole Source Purchase of One 2019 Pierce Velocity Fire Pumper from Golden State Fire Apparatus, Inc. for an Amount Not to Exceed \$870,279.24 and Authorize Out of State Travel for Milpitas Fire Representatives to Attend the Factory Trip for Final Inspection (Staff Contacts: Galahad Zamora, 408-586-2826 and Chris Schroeder, 408-586-3161)
9.	Adopt a Resolution Authorizing the City Manager to Award Request for Proposal 2231 to Dimension Data North America, Inc. and Enter into an Agreement with Dimension Data for Delivery and Installation of a Local Area Network, Wide Area Network, Wireless and Telecommunications Upgrade and Replacement, Execute an Amendment to the Agreement with Communication Strategies for System Implementation Services, and Execute Property Schedule 3 to the Master Tax-Exempt Lease/Purchase Agreement with Key Government Finance, Inc. for a Telephone System Equipment Purchase and Related Costs (Staff Contacts: Mike Luu, 408-586-2706 and Will Fuentes, 408-586-3111)

10.	<u>HOUSING AUTHORITY:</u> Adopt a Resolution Authorizing the Executive Director to Execute Documents for the Sale of 1101 South Main Street #112 for the Amount of \$353,184 (Staff Contact: Sharon Goei, 408-586-3260)
11.	Accept Recommendations from the Ad Hoc City Council Handbook Subcommittee to Adopt the Updated City Council Handbook (Staff Contact: Ashwini Kantak, 408-586-3053)
12.	Authorize the City Manager to Accept Proposition 56 Grant Funds from the Santa Clara County Health Department/California Department of Justice Related to Reduction of Youth Tobacco Use, Execute the Related Grant Agreement with the County of Santa Clara and Approve a Budget Amendment (Staff Contact: Daryl Sequeira, 408-586-2434)
13.	Receive Report on Recommendation to the Mayor to Re-appoint Five City Commissioners and Move to Approve the Appointments (Council Contacts: Councilmembers Nuñez, 408-586-3023 and Phan, 408-586-3032)
14.	Consider Request from Kiwanis Club and Approve Fee Waiver of \$1,200 for the Non-Profit's Annual Crab Fest Fundraising Event on February 8, 2019 (Staff Contact: Mary Lavelle, 408-586-3001)
15.	Approve and Authorize the City Manager to Execute a Design Services Agreement with Mary McGrath Architects for Main Fire Station No. 1 Assessment, Project No. 3442, and Police/Public Works Buildings Assessment, Project No. 3444 (Staff Contact: Steve Erickson, 408-586-3301)
16.	Approve Project Plans and Specifications, and Authorize the Advertisement for Bid Proposals for City Hall Third Floor Office Improvements, Project No. 3406 (Staff Contact: Steve Erickson, 408-586-3301)
17.	Receive Update on Emergency Repair/Replacement of Uninterruptable Power Supply (UPS) Unit at the Police/Public Works Building and Authorize Staff to Pay Invoices Associated with the Repair/Replacement Work (Staff Contact: Tony Ndah, 408-586-2602)
18.	Receive Report on Emergency Work at City Pump Stations and Authorize Staff to Pay Invoices Associated with the Repair Activities (Staff Contact: Tony Ndah, 408-586-2602)

XIV. LEADERSHIP & SUPPORT SERVICES

19. Receive a Report on a Legislative Framework and Provide Direction to Staff on 2019 Legislative Guiding Principles and 2019 Legislative Priorities (Staff Contact: Ashwini Kantak, 408-586-3053)

XV. REPORTS OF MAYOR & COUNCILMEMBERS – from the assigned Commissions, Committees and Agencies

XVI. NEXT AGENDA PREVIEW

20. Next Regular City Council meeting: January 15, 2019

XVII. ADJOURNMENT

NEXT SPECIAL CITY COUNCIL MEETING
WEDNESDAY, DECEMBER 19, 2018

NEXT REGULAR CITY COUNCIL MEETING
TUESDAY, JANUARY 15, 2019

KNOW YOUR RIGHTS UNDER THE OPEN GOVERNMENT ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions and other agencies of the City exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and the City operations are open to the people's review.

For more information on your rights under the Open Government Ordinance or to report a violation, contact the City Attorney's office at Milpitas City Hall, 455 E. Calaveras Blvd., Milpitas, CA 95035
e-mail: cdiaz@ci.milpitas.ca.gov / Phone: 408-586-3040

The Open Government Ordinance is codified in the Milpitas Municipal Code as Title I Chapter 310 and is available online at the City's website www.ci.milpitas.ca.gov by selecting the Milpitas Municipal Code link.

Materials related to an item on this agenda submitted to the City Council after initial distribution of the agenda packet are available for public inspection at the City Clerk's office at Milpitas City Hall, 3rd floor 455 E. Calaveras Blvd., Milpitas and on the City website. All City Council agendas and related materials can be viewed online here: www.ci.milpitas.ca.gov/government/council/agenda_minutes.asp (select meeting date)

APPLY TO SERVE ON A CITY COMMISSION

Commission application forms are available online at www.ci.milpitas.ca.gov or at Milpitas City Hall. Contact the City Clerk's office at 408-586-3003 for more information.

If you need assistance, per the Americans with Disabilities Act, for any City of Milpitas public meeting, please call the City Clerk at 408-586-3001 or send an e-mail to mlavelle@ci.milpitas.ca.gov prior to the meeting. You may request a larger font agenda or arrange for mobility assistance. For hearing assistance, headsets are available in the City Council Chambers for all meetings.

AGENDA REPORTS

IV. ELECTION RESOLUTION

1. **Receive Report of Municipal Election Results of November 6, 2018, and Adopt a Resolution to Certify Final Results of Candidate and Ballot Measure Election (Staff Contact: Mary Lavelle, 408-586-3001)**

Background: A general municipal election was held in the City of Milpitas on Tuesday, November 6, 2018 for the offices of Mayor and two members of the City Council, and one ballot measure. Per the County of Santa Clara's Registrar of Voters' Statement of Vote report dated November 6, 2018, voter turnout was 66.21 percent with 19,817 out of 29,931 total registered voters in the City of Milpitas casting their ballots on Election Day.

Final election results reveal that the candidates elected by the voters of Milpitas were Rich Tran as Mayor, and Carmen Montano and Karina Dominguez as new City Councilmembers. Mr. Tran was re-elected to a term of two years from a field of five candidates, and Ms. Montano and Ms. Dominguez were elected to four year terms from a field of eight candidates.

Certified final results are included with the resolution presented for adoption at this meeting (in the agenda packet). The Santa Clara County Registrar of Voters certified the final election results on Thursday, December 6, 2018 exactly 30 days following the election, as required by California Elections Code.

Ballot Measure R, which was an ordinance to authorize City Council to increase the Transient Occupancy Tax (TOT) up to 14 percent, was approved by Milpitas voters. The majority – nearly 68% percent - cast a vote in favor of Ballot Measure R. Those who voted “Yes” for Ballot Measure R were 12,552 in total or 67.76 percent out of the total 18,523 votes cast.

The City Council is asked to confirm the Official Canvass of Returns of the November 6, 2018 Municipal Election by adopting a resolution. Certified election results submitted to the City Clerk by the Santa Clara County Registrar of Voters are attached to the resolution in the agenda packet.

Fiscal Impact: None

Recommendations:

1. Receive from the City Clerk an oral report of election results and voter turnout.
2. Adopt a resolution confirming the official canvass of election returns and declaring the results of the General Municipal Election held on November 6, 2018.

Attachment: [Resolution with certified results](#)

XIII. CONSENT CALENDAR

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| 2. | Accept Schedules of Meetings/City Council Calendars for December 2018 and January 2019 (Staff Contact: Mary Lavelle, 408-586-3001) |
| | <u>Recommendation:</u> Receive and accept City Council calendar of meetings for December 2018 and January 2019. Note any changes or additions, if needed. |
| | <u>Attachments:</u> December 2018 and January 2019 Calendars |

3.	<p>Approve City Council Meeting Minutes of November 29 and December 4, 2018 (Staff Contact: Mary Lavelle, 408-586-3001)</p> <p><u>Recommendation:</u> Move to approve the November 29 and December 4, 2018 City Council meeting minutes.</p> <p><u>Attachments:</u> Draft meeting minutes November 29 and December 4, 2018</p>
4.	<p>Adopt a Resolution Directing Staff to Fly City Event Celebration and/or Commemorative Flags at Various Events throughout the 2019 Calendar Year (Staff Contact: Renee Lorentzen, 408-586-3409)</p> <p><u>Background:</u> Pursuant to Milpitas Municipal Code Section I-600-2.30(3), the City Council may, by resolution, direct City staff to display Commemorative Flags as an expression of the City's official sentiments by any of the following means: (i) display in lieu of the MIA/POW flag on one of the four City Hall Display Flag Poles located at the rear of City Hall adjacent to the pond, (ii) display in lieu of the flag of the State of California on one of the three flag poles located at Cesar Chavez Plaza, or (iii) display through ground level ceremonies at any of the following locations at the Civic Center complex or the City of Milpitas Community Center:</p> <ul style="list-style-type: none"> (1) City Hall Rotunda (2) Area adjacent to pond at City Hall (3) Cesar Chavez Plaza (4) City Council Chambers <p>Staff is requesting that City Council adopt a Resolution directing staff to fly City Event Celebration Flags and/or other Commemorative Flags for various upcoming Recreation and Community Services events in connection with and during periods of days and/or months of recognition for the following commemorative events: Black History Month, Cesar Chavez Day, Vietnamese Heritage Day, Public Safety Appreciation Day, LGBTQ Month, Juneteenth, and Native American Heritage and Culture Month, in the Cesar Chavez Plaza. These recognition events will occur throughout the 2019 Calendar year.</p> <p>Per Milpitas Municipal Code (cited above), the commemorative flags shall be displayed for a period of time that is reasonable or customary for the subject that is to be commemorated, but no longer than 30 continuous days.</p> <p><u>Fiscal Impact:</u> None.</p> <p><u>Recommendation:</u> Adopt a resolution directing staff to fly City Event Celebration and/or Commemorative Flags at various events in Cesar Chavez Plaza for the 2019 calendar year.</p> <p><u>Attachment:</u> Resolution</p>
5.	<p>Adopt a Resolution Updating the Conflict of Interest Code and Amending List of Designated Disclosure Positions for the City of Milpitas (Staff Contact: Mary Lavelle, 408-586-3001)</p> <p><u>Background:</u> California's Political Reform Act requires that the City Council review the City's Conflict of Interest Code biennially (in even-numbered years) to determine if it is up to date or if changes are necessary. The City's Conflict of Interest Code was last amended on September 16, 2014 with City Council's adoption of Resolution No. 8411. Presently, new employee classifications need to be added to the list of designated filers, some deleted, and the list of positions updated appropriately. Those on the list are required annually by</p>

April 1 to file the FPPC Form 700/Statement of Economic Interests with the City Clerk. Additionally, the form is filed when designated employees are newly hired or depart from City employment. The code and list were reviewed by the City Attorney's office and appropriate disclosure categories, per state law, have been indicated on the Designated Positions list.

The list for consideration does not include City officers covered by California Government Code section 87200. Those officials file directly with the FPPC electronically or with the City Clerk who forwards those original forms to the agenda in Sacramento, as required. These include City Councilmembers, Planning Commissioners, City Manager, City Attorney and City Treasurer (Finance Director).

A resolution including an amended Conflict of Interest Code and Appendix (list of filers) is included in the Council's agenda packet.

Fiscal Impact: None

Recommendation: Adopt a resolution updating the list of employee classifications required to file FPPC Form 700/Statement of Economic Interests and adopting the updated City of Milpitas Conflict of Interest Code.

Attachment: [Resolution with Conflict of Interest Code with Appendix](#)

6.

Adopt a Resolution Granting Acceptance of the Street Resurfacing Project 2018, Phase I, Projects No. 4283 and No. 4287 and Granting Authorization to the City Engineer to File a Notice of Completion (Staff Contact: Steve Erickson, 408-586-3301)

Background: The City Council awarded the Street Resurfacing Project 2018, Phase I, Projects No. 4283 and No. 4287 (collectively "Project") to Granite Construction Company on June 5, 2018. The Project repaired localized failed asphalt concrete pavement, resurfaced asphalt concrete pavement, installed Americans with Disabilities Act (ADA) compliant sidewalk ramps, repaired damaged driveway, sidewalk, and curb and gutter, traffic signal installed video detection systems and installed pavement delineation on the following street segments:

- 1) Escuela Parkway between North Milpitas Boulevard and Jacklin Road
- 2) Los Coches Street between North Milpitas Boulevard and North Hillview Drive
- 3) Yosemite Drive between North Milpitas Boulevard and North Park Victoria Drive
- 4) Vista Way
- 5) Wrigley Way
- 6) Calle Oriente
- 7) Traugher Street between North Park Victoria Drive and Wool Drive
- 8) Wool Drive
- 9) Kennedy Drive between Wool Drive and North Park Victoria Drive.

The work was successfully completed on time and within the budget. Staff recommends the City Council adopt a resolution granting acceptance of the Project and authorizing the Director of Engineering/City Engineer to file a Notice of Completion in accordance with the provisions of Section 9204 of the Civil Code.

Fiscal Impact: None.

Recommendation: Adopt a resolution granting acceptance of the Project, and granting authorization to the City Engineer to file a Notice of Completion in accordance with the provisions of Section 9204 of the Civil Code.

Attachment: [Resolution](#)

7. **Adopt a Resolution Granting Acceptance of the Street Resurfacing Project 2018, Phase II, Projects No. 4284, No. 4287 and No. 4291 and Granting Authorization to the City Engineer to File a Notice of Completion (Staff Contact: Steve Erickson, 408-586-3301)**

Background: The City Council awarded the Street Resurfacing Project 2018, Phase II, Projects No. 4284, 4287 and 4291 (collectively, “Project”) to Joseph J. Albanese, Inc. on August 7, 2018. The project repaired localized failed asphalt concrete pavement, resurfaced asphalt concrete pavement, installed Americans with Disabilities Act-compliant sidewalk ramps, repaired damaged driveway, sidewalk, curb and gutter and installed pavement delineation on South Hillview Drive between Los Coches Street and Yosemite Drive, Milmont Drive between Dixon Landing Road and Jurgens Drive, and South Main Street between Curtis Avenue and Carlos Street.

The work was successfully completed on time and within the project budget. Staff recommends the City Council adopt a resolution granting acceptance of the project, authorizing the Director of Engineering/ City Engineer to file a Notice of Completion in accordance with the provisions of Section 9204 of the Civil Code.

Fiscal Impact: None.

Recommendation: Adopt a resolution granting acceptance of Street Resurfacing Project 2018, Phase II, Projects No. 4284, No. 4287 and No. 4291 and granting authorization to the City Engineer to file a Notice of Completion in accordance with the provisions of Section 9204 of the Civil Code.

Attachment: [Resolution](#)

8. **Adopt a Resolution Approving the Sole Source Purchase of One 2019 Pierce Velocity Fire Pumper from Golden State Fire Apparatus, Inc. for an Amount Not to Exceed \$870,279.24 and Authorize Out of State Travel for Milpitas Fire Representatives to Attend the Factory Trip for Final Inspection (Staff Contacts: Galahad Zamora, 408-586-2826 and Chris Schroeder, 408-586-3161)**

Background: The City of Milpitas has adopted the Transit Area Specific Plan, which calls for higher density housing with narrower streets and tighter turning dimensions. The Fire Department has been replacing old equipment as needed with apparatus designed to operate in higher density areas with wheelbases designed for tighter turning radii in order to respond to calls from the new higher density developments citywide. Including reserves, the Fire Department currently operates seven Pierce fire engines in the fleet, which offers the benefit of standardization for the engineers and maintenance staff and provides economies of scale for parts and service costs. The Fire Department conducted a twelve months investigation, reviewing the top six major fire engine manufacturers and Pierce Manufacturing, Inc. is the only manufacturer that provides the Oshkosh TAK-4 T3 (Tight Turning Technology). The Oshkosh TAK-4 T3 Tight Turning Technology with rear mechanical steering provides a coordinated steer effort between the front and rear axle, which offers more steering at low speeds.

After a good faith review conducted by the Fire Department, the Purchasing Agent determined, pursuant to Municipal Code section I-2- 3.09 “Sole Source Procurement,” that Pierce Manufacturing, Inc. was the only source for an engine that met the Fire Department’s specifications due to the TAK-4 T3 Tight Turning Technology and standardization benefits. Golden State Fire Apparatus, Inc. is the sole source distributor.

Taken into consideration is a pre-payment discount of \$33,159.15 applied to the price if 100% pre-payment is completed at the time of signing the contract.

A significant cost savings to the city and the lessons learned from the first Pumper pre-construction streamlined the process for this Pumper, therefore, the pre-construction meeting and midpoint inspection are not needed. Dates for the final inspection factory trip on this Pumper is to be determined at this time for three Milpitas Fire Department representatives.

Fiscal Impact: Sufficient funding is in the Equipment Replacement Fund (\$679,918), the Fire Operating Budget (\$120,082) and in CIP No. 3439 (\$70,279.24).

Recommendation: Adopt a resolution approving the sole source purchase of one Pierce Velocity Fire Pumper from Golden State Fire Apparatus, Inc. for an amount not to exceed \$870,279.24 and authorize out-of-state travel for Milpitas Fire Department representatives to attend the factory trip for final inspection of the pumper.

Attachments:

[a\) Resolution](#)

[b\) Proposal from Golden State Fire Apparatus](#)

9. **Adopt a Resolution Authorizing the City Manager to Award Request for Proposal 2231 to Dimension Data North America, Inc. and Enter into an Agreement with Dimension Data for Delivery and Installation of a Local Area Network, Wide Area Network, Wireless and Telecommunications Upgrade and Replacement, Execute an Amendment to the Agreement with Communication Strategies for System Implementation Services, and Execute Property Schedule 3 to the Master Tax-Exempt Lease/Purchase Agreement with Key Government Finance, Inc. for a Telephone System Equipment Purchase and Related Costs (Staff Contacts: Mike Luu, 408-586-2706 and Will Fuentes, 408-586-3111)**

Background: In January 2009, the City Council approved the purchase of approximately \$386,000 of Cisco Systems *network equipment* through AT&T in order to upgrade the existing telecommunications network for planned technology projects, such as Unified/Converged Networking and Voice-over-IP (VoIP) integration. The Purchasing Division reviewed and approved a sole brand specification in favor of Cisco Systems. The upgrade was completed in July 2009 and the network has now been in operation for more than nine years. The planned life of this type of equipment is generally five years. After this period of continuous operation, the equipment is prone to failure and often support is no longer available from the manufacturer. This is the case with most of the equipment installed in 2009. In the past three years, the City has already experienced four significant equipment failure events. A major failure of the telecommunications network would seriously impact service delivery in all departments, including critical public safety functions. The purchase was financed through a five-year Key Government Finance (KGF) capital lease starting in 2009 and ending in 2013. A Master Lease Agreement with KGF and Leasing Schedule 1 were established for this purpose.

In September 2012, the City Council approved the purchase of approximately \$480,000 of Cisco Systems *telephone system equipment* through ExtraTeam in order to transition from a legacy analog telephone infrastructure to a modern digital Voice-over-IP (VoIP) unified telephony and data communications system. The Purchasing Division reviewed and approved a sole brand specification in favor of Cisco Systems. The upgrade was completed in April 2013 and the new telephone system has been in operation for almost six years. The planned life of this type of equipment is generally five years. After this period of continuous operation, the equipment is prone to failure and often support is no longer available from the manufacturer. This is the case with most of the equipment installed in

2012 and 2013. In the past year, the City has already experienced first component failures of the three core telephony host servers. A major failure of the telephony systems would seriously impact service delivery in all departments, including critical public safety functions. The purchase was also financed through a five-year Key Government Finance (KGF) capital lease starting in 2013 and ending in 2017. Leasing Schedule 2, which attached to the original Master Lease Agreement with KGF, was established for this purpose.

Due to the complexities involved in this significant technology transition, City Council also approved the contractual services of approximately \$49,000 to Communications Strategies. This covered project oversight, vendor management and implementation services for the 2012 and 2013 telephony upgrade project.

Analysis:

At the beginning of Fiscal Year 2017-18, staff began a design project for a replacement network and a technology refresh, which included new servers and updated software licensing for the telephony system. This design took into account new technologies as well as new facilities constructed by the City over the past several years. The Purchasing Division reviewed and approved a sole-brand specification in favor of Cisco Systems. The conceptual design was reviewed by the Telecommunications Commissions. The technical design was reviewed by Cisco Systems pre-sales engineers. Project management and Request for Proposal (RFP) preparations were guided by Communications Strategies. The design was completed in January 2018.

After publishing RFP 2231 (Local Area Network, Wide Area, Wireless and Telecommunications Upgrade and Replacement) in April 2018, and in response to a vendor's stated interest to recommend an alternative to a Cisco Systems solution, the Information Services Department, the Finance Department, and the City Attorney's Office collaboratively decided to amend the RFP specifications allowing alternative manufacturer solutions and to extend the original RFP response period several times, until July 2018.

The evaluation committee reviewed seven responses to the RFP and went through several iterations of analysis meetings and on-site vendor interviews. A standardized weighted scoring system as published in the RFP was utilized to eventually select a Cisco Systems solution provided by vendor Dimension Data North America, Inc. (Dimension Data). The total project cost is **\$952,244.74** and includes:

- \$825,847.04 payable to Dimension Data for network devices, phone system, wireless network, installation, training, an operating system upgrade in year 3, and five years of maintenance,
- \$39,830 payable to Communication Strategies for project management, and
- a 10% project contingency of \$86,567.70 to account for unexpected issues arising from a project of such a large size.

After vendor selection, staff then explored various options to acquire and fund the necessary equipment. The original 2001 upgrade was funded by a technology bond issued in 2000, while the subsequent network upgrade in 2009 and the telephony system upgrade in 2012 and 2013 were funded through KGF capital leases. 2000 bond funds have been expended and given the fact that a new General Obligation bond issuance would require a vote of the people during an election, it was not deemed feasible. An election on a bond issuance would likely not occur until 2020 and the City cannot wait that long given failing network and telephone infrastructure. A Technology Replacement Fund exists but would require in excess of four years to accumulate sufficient funds to outright purchase the equipment for this network upgrade. Again, that is not a viable option due to failing network and telephone infrastructure serving critical City functions such as public safety.

Thus, staff compared the costs of an outright equipment purchase to that of a new capital lease schedule through KGF. Due to available Cisco Systems manufacturer incentives, a five-year lease financing schedule was determined to be more cost effective to the City than an outright purchase. Using the City's investment rate of 1.86% for the quarter ending September 30, 2018, a five-year capital lease with KGF would cost the City **\$13,530** less than an outright purchase when factoring in the time value of money. There are no fees associated with the KGF program and the lease includes provisions for termination should the City be unable to fund the annual payment. The annual payment would be **\$202,222.06** and would commence in the current fiscal year (FY 2018-19) and terminate in FY 2022-23. At the completion of the lease, the equipment would become the property of the City. The City has appropriated \$952,245 for this purpose; \$854,245 of which was approved by Council on December 4, 2018 through use of the FY 2017-18 General Fund operating surplus fund. Any remaining funds needed for the lease would be appropriated in future years. Leasing Schedule 3, which will be attached to the original Master Lease Agreement with KGF, will be established for this purpose.

Staff recommends that the City proceed with the lease agreement in order to start the network replacement and telephony system refresh project in this current fiscal year and avoid a potentially major failure of the City's telecommunications network. The KGF lease program and the lease documents along with Dimension Data agreement documents and Communication Strategies amendment have been reviewed and approved by the City Attorney's Office and the Purchasing Agent and the network design has been approved by the Telecommunications Commission.

Fiscal Impact: The total cost of this project is **\$952,244.74** and is comprised of the following items:

- **\$825,847.04** payable to Dimension Data for network devices, phone system, wireless network, installation, training, an operating system upgrade in year 3, and five years of maintenance,
- **\$39,830** payable to Communication Strategies for project management, and
- **\$86,567.70** for a 10% project contingency to account for unexpected issues arising from a project of such a large size.

The total project cost of \$952,244.74 has already been appropriated by City Council and no further funds are requested at this time. To maximize investment returns and factor in the time value of money, the project will be paid for by a tax-exempt lease/purchase with Key Government Finance as opposed to an outright cash purchase. This is estimated to save the City **\$13,530** over the five-year term of the lease. Annual lease payments equal **\$202,222.06** and total **\$1,011,110.03** over the five-year term of the lease; thereby leaving a funding gap of \$58,865.56 in the final year of the lease. Any remaining funds needed for the lease would be appropriated in the final year of the lease by future City Council action.

Recommendation: Adopt a resolution authorizing the City Manager to:

1. Award the Request for Proposal 2231 to Dimension Data North America, Inc. and enter into an Agreement with Dimension Data for delivery and installation of a Local Area Network, Wide Area Network, Wireless and Telecommunications Upgrade and Replacement, subject to any revisions deemed necessary by the City Attorney.
2. Execute an Amendment to the Agreement with Communication Strategies for System Implementation Services, and
3. Execute Property Schedule 3 to the Master Tax-Exempt Lease/Purchase Agreement with Key Government Finance, Inc. for and to enter into an Agreement and Amend Existing Related Agreements with Communication Strategies and Key Government Finance for a Telephone System Equipment Purchase and Related Costs

Attachments: [Resolution including:](#)

[Exhibit A - Agreement with Dimension Data \(attachments available in Purchasing Office\)](#)

[Exhibit B - Amendment No. 2 to Agreement with Communication Strategies](#)

[Exhibit C - Property Schedule 3 to Master Agreement with Key Government Finance](#)

10.

HOUSING AUTHORITY:

Adopt a Resolution Authorizing the Executive Director to Execute Documents for the Sale of 1101 South Main Street #112 for the Amount of \$353,184 (Staff Contact: Sharon Goei, 408-586-3260)

Background: Each owner-occupied affordable housing unit that is governed by resale restrictions is required to meet certain obligations when the unit is sold. In February 2018, staff presented the Housing Authority Commission information regarding the affordable housing unit at 1101 South Main Street #112. The Housing Authority had received notification from the property owners that they intended to sell their moderate-income affordable housing unit. The resale restricted value for the unit was \$454,309. The homeowners association was involved in litigation with the developer at the time.

When an affordable unit is sold, the Resale Restriction and Option to Purchase Agreement between the owner and the Housing Authority provides three options for the sale. Generally the first option, an income-eligible household would be found to purchase the unit. However, the litigation, coupled with the resale restrictions, resulted in the unit being considered a high-risk property, thus lacking a qualified buyer. The second option was for the Housing Authority to exercise its purchase option and purchase the unit. Advantages and disadvantages with this option were discussed. Due to state requirements governing the housing fund, the Housing Authority would need to sell the unit to a low-income household. Since the unit was a moderate-income unit, the Housing Authority could not fully recoup its investment because the unit would need to be sold at a lower price to meet the affordability level of a low-income household. The third option was for the Housing Authority to release the resale restrictions, allowing the property owner to sell the unit at market rate. After considering the three options, the Housing Authority Commission decided on the second option and approved the purchase of the property for \$454,309 in order to preserve the affordability of the unit.

Sale of Property

Since the Housing Authority purchase, litigation has been resolved. There are eligible buyers on the waiting list of the City's first-time home ownership program. Two offers were received from eligible buyers on the waiting list for the sales price of \$353,184 for the low-income category household. The buyers selected are a low-income household and have been on the wait list longer than the other buyer. They are first-time homebuyers and income-eligible, meeting two requirements of the City's first-time home ownership program. In November, they submitted a Purchase Agreement in the amount of \$353,184 for the unit, which meets the level for low-income category and state requirements. By selling the unit to a low-income household, the City is essentially making an investment to increase the affordability of the unit.

In order to maintain and preserve the property as affordable housing, it is necessary to restrict the use and resale of the property through occupancy and resale restrictions. As part of the sale, the homebuyer will be required to sign the Resale Restriction Agreement and Option to Purchase and adhere to income eligibility and principal residence (owner occupancy) requirements. The terms and conditions of the Agreement will ensure that the property is used, maintained, and preserved as affordable housing.

Fiscal Impact: Proceeds from the sale will be placed in the Housing Authority Fund.

Recommendation: Adopt a Housing Authority Resolution authorizing the Executive Director to execute documents for the sale of a residential property at 1101 South Main Street #112 for the amount of \$353,184.

Attachment: [Housing Authority Resolution](#)

11.

Accept Recommendations from the Ad Hoc City Council Handbook Subcommittee to Adopt the Updated City Council Handbook (Staff Contact: Ashwini Kantak, 408-586-3053)

Background: The City Council Handbook (Handbook) provides guidance to the Council in conducting all City business. The Handbook is designed to be periodically updated in order to reflect either changes in the law or in City Council procedure or policy. On September 18, 2018, staff brought forward proposed changes to the Handbook as well as to the agenda management process.

Council expressed the need for more involvement in the Handbook update and to that end, staff was directed by Council to work on the Handbook with an Ad Hoc Council Handbook Subcommittee. Councilmembers Nuñez and Barbadillo were selected by the Council to serve on this Subcommittee. The first Subcommittee meeting was held on September 26, 2018, with the discussion focused on Chapter V, given its connection to the Agenda Management system and process improvements underway. On October 16, 2018, Chapter V of the Handbook was approved by the City Council.

Analysis

On October 3, 2018, the Subcommittee discussed Chapter I, II, and III of the proposed City Council Handbook. No changes were proposed to Chapter I. The Subcommittee directed staff to further clarify roles of City Council, City Manager and City Attorney in Chapter II. The Subcommittee also provided direction on Chapter III to make edits to better define interactions between City Council, City Manager, and City staff.

Subsequent to the October 3 Subcommittee meeting, staff proposed additional edits to Chapters II and III of the Handbook to reflect the Subcommittee's direction and these were discussed at the December 5, 2018 Subcommittee meeting. At this meeting, the Subcommittee also reviewed Chapters IV, VI, VII and VIII of the Handbook. Key proposed changes recommended by the Subcommittee include:

1. Additional clarification of roles of the City Council, City Manager, and City Attorney in Chapters II and III.
2. Additional clarification about meeting times for Closed Sessions, in Chapter IV, Section D.
3. Addition of further details about signs and disruptive behavior in City Council meetings in Chapter IV, Section I.
4. Inclusion of a reference to the Open Government Ordinance in the Conflict of Interest section in Chapter IV, Section M.
5. Additional clarification about communications subject to the California Public Records Act in Chapter VI, Section A.
6. Additional clarification about two existing Financing Authorities in Chapters VIII, Section B.

For Council's reference, the Milpitas Public Financing Authority was established in partnership with the Redevelopment Agency in 1997, and after the dissolution of the Redevelopment Agency, the Milpitas Municipal Financing Authority was established in 2016. The former Financing Authority is still in existence, however, the latter Financing Authority will be used for any City financing in the future.

Although the Subcommittee also asked staff to include language that could provide more flexibility for regular City Council meeting start times, this change will need to be made after a corresponding change has first been made in the Municipal Code. The updated Handbook, with all other changes recommended by the Subcommittee is attached for Council's consideration and recommended adoption.

Fiscal Impact: None

Recommendation: Accept recommendations from the Ad Hoc City Council Handbook Subcommittee and adopt the updated City Council Handbook.

Attachment: [City Council Handbook](#)

12.

Authorize the City Manager to Accept Proposition 56 Grant Funds from the Santa Clara County Health Department/California Department of Justice Related to Reduction of Youth Tobacco Use, Execute the Related Grant Agreement with the County of Santa Clara and Approve a Budget Amendment (Staff Contact: Daryl Sequeira, 408-586-2434)

Background: The Santa Clara County Health Department was awarded a two-year grant, through the California Department of Justice Proposition 56 program, to reduce youth access to tobacco products.

The Milpitas Police Department applied for grant funding and outlined three objectives: 1) to reduce youth access to tobacco products by conducting decoy operations, 2) to distribute point of sale signage to all tobacco retailers in the City of Milpitas, and 3) to participate in a multi-agency and multi-jurisdiction task force.

The Milpitas Police Department's grant application was approved and the Public Health Department awarded the City of Milpitas \$30,866. The grant expires on June 30, 2020.

Fiscal Impact: The City of Milpitas was awarded a grant in the amount of \$30,866. The Santa Clara County Health Department will reimburse all expenses related to tobacco use prevention, education and enforcement.

Recommendations:

1. Authorize the City Manager (or her designee) to accept the Santa Clara County Health Department Grant in the amount of \$30,866.
2. Approve a budget appropriation in the amount of \$29,430 for the Police Department overtime budget and \$1,436 for the Police Department supplies budget from grant revenue.

Attachments:

- [a\) Agreement with County](#)
- [b\) Budget Change Form](#)

13.

Receive Report on Recommendation to the Mayor to Re-appoint Five City Commissioners and Move to Approve the Appointments (Council Contacts: Councilmembers Nuñez, 408-586-3023 and Phan, 408-586-3032)

Background: The Mayor and City Council formed the City Council Subcommittee on Commissions on December 19, 2017 to review and recommend applicants to serve as Commissioners for final approval. The subcommittee has recommended 36 successful Commission appointments and reappointments. Five re-appointments are recommended at this meeting for final appointment by the Mayor:

Arts Commission: Reappoint Nicole Phan to a term to expire in October 2020.

Parks, Recreation and Cultural Resources Commission: Reappoint Bhupinder Singh to a term to expire in June 2020. Approve moving Commissioner Kristal Caidoy from the Bicycle Pedestrian Advisory Commission to the Parks, Recreation and Cultural Resources Commission to a term to expire in June 2020.

Senior Advisory Commission: Reappoint Patrick Yung to a term to expire in December 2019 and Deborah Langley to a term to expire in December 2020.

Recommendation: Per recommendation for final appointment by the Mayor, move to re-appoint five current Commissioners to new terms on their respective City of Milpitas Commissions.

Attachment: None

14. **Consider Request from Kiwanis Club and Approve Fee Waiver of \$1,200 for the Non-Profit's Annual Crab Fest Fundraising Event on February 8, 2019 (Staff Contact: Mary Lavelle, 408-586-3001)**

Background: The City Clerk received a "Donation or Fee Waiver/Reduction Request Application Form" from the Kiwanis Club Foundation of Milpitas on December 4, 2018. Kiwanis has applied to rent the Milpitas Community Center for its annual fundraiser, a crab feed in the auditorium. The non-profit group is requesting that the City Council waive the room rental fee of \$1200 and to waive the requirement to pay a deposit. Funds raised will go towards clothing/uniforms and scholarships for underprivileged students in Milpitas.

Fiscal Impact: \$20,000 was approved and included in the FY 2018-19 City budget for City Council's Unallocated Community Promotions. If the current fee waiver of \$1,200 is granted, then \$16,967.23 would be the remaining balance for the fiscal year.

Recommendation: Waive the City fee of \$1200 for the Kiwanis Club rental of Community Center Auditorium for fundraising event on Friday, February 8, 2019.

Attachments:

- [a\) Fee waiver application for 2019](#)
- [b\) Charitable Foundation status letter](#)
- [c\) 2019 Crab Feed event flyer](#)
- [d\) Report to City on 2018 fee waiver](#)

15. **Approve and Authorize the City Manager to Execute a Design Services Agreement with Mary McGrath Architects for Main Fire Station No. 1 Assessment, Project No. 3442, and Police/Public Works Buildings Assessment, Project No. 3444 (Staff Contact: Steve Erickson, 408-586-3301)**

Background: The Main Fire Station No. 1 Assessment (Project No. 3442) and the Police/Public Works Buildings Assessment (Project No. 3444) were approved and funded as part of the 2018-2023 Capital Improvement Program (CIP).

Constructed in 2000, Main Fire Station No. 1 is located on a 2.8-acre parcel at 777 South Main Street. This Station houses administration staff, training programs and equipment, and it is one of four operating Stations within Milpitas. The Police and Public Works Buildings are located at 1265 and 1275 North Milpitas Boulevard and were constructed in

1992. The Police Department, Public Works Staff, and the Information Services Departments operate out of the buildings on this five-acre site.

Due to the age of the buildings and the need to increase staffing to maintain desirable service levels, it is recommend to complete an architectural assessment of these buildings to determine where improvements are required and can be completed. The architectural assessment will evaluate building and site conditions, structural integrity, mechanical and electrical systems, noncompliant code issues, programmatic and operational, furniture, fixture, and equipment needs. For Main Fire Station No. 1, the architect will investigate the feasibility of adding additional dorm rooms, office spaces, apparatus parking, and training facility improvements. For Police/Public Works Buildings, the study will assess improvements needed to the 911 Dispatch Center, Police and Public Works locker rooms, emergency power, security, weatherproofing, and traffic circulation and parking.

The assessment of public safety and public works facilities require specific skillset and experience. Through the City's consultant evaluation process, Staff selected, and is recommending the firm of Mary McGrath Architects (MMA) to provide the required services for these projects. Staff negotiated a scope and fee not-to-exceed \$260,128.00, which is considered reasonable for the work. Final assessment reports from the architect will require approximately eight months to complete.

Alternative: Denial of the recommendation would result in delay or in not completing the architectural assessments for Main Fire Station No. 1 and the Police/Public Works Buildings.

Fiscal Impact: None. Sufficient funds are available in the project budgets for these services.

Recommendation: Approve and authorize the City Manager to execute a Design Services Agreement with Mary McGrath Architects in the amount not-to-exceed \$260,128.00 for the Main Fire Station No. 1 Assessment, Project No. 3442, and the Police/Public Works Buildings Assessment, Project No. 3444.

Attachment: [Agreement with Mary McGrath Architects](#)

16.

Approve Project Plans and Specifications, and Authorize the Advertisement for Bid Proposals for City Hall Third Floor Office Improvements, Project No. 3406 (Staff Contact: Steve Erickson, 408-586-3301)

Background: The City Building Improvements Project (City Hall 3rd Floor Office Improvements) Project No. 3406 was approved as part of the 2018-2023 Capital Improvement Program. The project provides funding for the design and construction of new enclosed office spaces on the third floor of City Hall. Plans and specifications for the project are complete and ready for City Council approval and authorization to advertise for bid proposals.

City Hall staffing has grown to the point that additional office improvements are required for new staff. The Project will convert existing cubical spaces at City Hall, 3rd floor into four new enclosed office spaces. The new offices will be used by the City Attorney, Economic Development Director, and the Finance Department Budget Manager.

Office construction will include, construction of walls, and related electrical and mechanical improvements. To avoid disruption of staff during the work day, construction work will be completed on nights and weekends after regular business hours (after 5:00 p.m.). The estimated cost of construction is \$300,000. A copy of the Project plan cover

sheet is included in the Council's agenda packet and a complete set of the contract documents is available for review in the office of the City Engineer.

Alternative: A denial of this request would result in delay or not moving forward with construction of the required staff office spaces.

Fiscal Impact: None. Sufficient funds are available in the project budget.

Recommendation: Approve project plans and specifications and authorize advertisement for bid proposals for the City Hall Third Floor Improvements, Project No. 3406.

Attachment: [Plan Title Sheet](#)

17.

Receive Update on Emergency Repair/Replacement of Uninterruptable Power Supply (UPS) Unit at the Police/Public Works Building and Authorize Staff to Pay Invoices Associated with the Repair/Replacement Work (Staff Contact: Tony Ndah, 408-586-2602)

Background: On September 27, 2018, a power outage occurred on North Milpitas Boulevard, which impacted the power supply to the Police Department/Public Works Building. The uninterruptible power supply (UPS) unit was able to provide power to the building, and triggered the automatic transfer switch (ATS) unit to turn on the backup generator system onsite, which was able to fully supply power to the building. Once PG&E power was restored to the area, the ATS unit returned the backup generator system to its normal state. However, the UPS unit experienced a catastrophic failure in the process that impacted the ability to switch the building back to PG&E power, resulting in a power loss to the building.

The loss of power to the building affected the City's 9-1-1 Dispatch system, Police patrol radio system, Police Dispatch and Information Services server rooms and Police/Public Works telephones. As part of the Police Department standard protocol, 9-1-1 Dispatch calls from the City were automatically transferred to Santa Clara County.

Emergency Report and Update: Pursuant to state public contracting law and Council Resolution No. 7779, the Director of Public Works may authorize emergency work and let emergency contracts without solicitation of competitive bids, but must provide the City Council with a report of all such work.

The emergency work and associated contracts were necessary to avoid impacts to the City's emergency communications, which are relied upon by the City's Police and Fire Departments. The Public Works Department, in collaboration with the Police Department and the Information Services Department, worked expeditiously to implement short term and long term emergency measures for the repair/replacement of the UPS unit. The UPS unit was successfully replaced and put into service on November 13, 2018. The total cost of the replacement of the UPS unit is \$249,613.08

Fiscal Impact: There are sufficient funds available in the Public Works Operating Budget for this emergency work.

Recommendations:

1. Receive a report from the Public Works Director on the emergency repair and replacement of the uninterruptable power supply unit at the Police Department/Public Work building.
2. Authorize staff to pay invoices in the amount of \$249,613.08.

Attachment: None

18.

Receive Report on Emergency Work at City Pump Stations and Authorize Staff to Pay Invoices Associated with the Repair Activities (Staff Contact: Tony Ndah, 408-586-2602)

Background: During routine maintenance activities, Public Works staff encountered a failure on the water pumps at the Tularcitos and Country Club pump stations. Each pump station is equipped with two booster pumps which are used to pump water up the hillside and into the City's reservoirs that supply water to the La Questa (Summit Pointe) Community. One of the two booster pumps at each location failed, and a failure on any of the remaining pumps would have jeopardized the supply of water to the La Questa (Summit Pointe) Community. This would have an impact on the supply of water for drinking, irrigation, and fire protection; hence, an immediate diagnosis and repair of the booster pumps was needed.

Public Works staff also encountered a failure on two of the four pumps at the City's Main Lift Pump Station. These pumps are used to move the City's wastewater to the San Jose Regional Wastewater facility for treatment. The Main Lift Pump Station requires two pumps to remain operational at all times, to avoid sanitary sewer backups in the City; hence, a failure on any of the remaining two pumps at the pump station would have resulted in a severe health risk to the City.

Emergency Report and Update: Pursuant to state public contracting law and Council Resolution No. 7779, the Director of Public Works may authorize emergency work and let emergency contracts without solicitation of competitive bids, but must provide the City Council with a report of all such work.

Emergency Work for the Tularcitos and Country Club Pump Stations

The emergency work and associated contract was necessary to ensure reliable water supply to the La Questa (Summit Pointe) Community. Staff authorized Pump Repair Service Company (Contractor) to remove, diagnose, and expedite the repair of the failed pumps. Following the removal and diagnosis of the pumps, the Contractor found that the two booster pumps had failed beyond repair and could not be rebuilt; hence, a complete replacement of the two pumps was required. The total cost to pull and diagnose the two pumps is \$11,936.00.

As a short term measure, staff have placed a trailer mounted water pump at the pump stations, which would be utilized in the event of a failure on one of the remaining booster pumps at the pump stations. Public Works staff are also working with the Purchasing Department to procure and install new booster pumps at the Tularcitos and Country Club pump stations. This work will be completed under a separate contract.

Emergency Repair of Pump at the Main Lift Pump Station

The emergency work and associated contracts were necessary to avoid sanitary sewer backups in the City, in the event at the event that an additional pump would have failed at the pump station. Staff authorized Koffler Electrical Mechanical Apparatus Repair (Contractor) to pull the two failed pumps and perform immediate repairs to put the pumps back in service. The Contractor was able to complete the repair on one of the pumps and the pump was returned to service. The total cost of the repair of the pump is \$6,794.00

The second pump will require a complete rebuild and staff will be completing the rebuild of this pump under a separate contract.

Fiscal Impact: There are sufficient funds available in the Public Works Operating Budget for this emergency work.

Recommendations:

1. Receive a report from the Public Works Director on the emergency work at City's Pump Stations.
2. Authorize staff to pay invoices in the amount of \$11,936 for emergency pump repairs at Tularcitos and Country Club Pump Stations.
3. Authorize staff to pay invoices in the amount of \$6,794.00 for emergency pump repairs at the Main Lift Pump Station.

Attachment: None

XIV. LEADERSHIP & SUPPORT SERVICES

19. Receive a Report on a Legislative Framework and Provide Direction to Staff on 2019 Legislative Guiding Principles and 2019 Legislative Priorities (Staff Contact: Ashwini Katak, 408-586-3053)

Background: In 2017, the City Council, based on community input, identified five priority areas for the City: Public Safety, Infrastructure and Community Facilities Maintenance, Transportation and Transit, Economic Development and Job Growth, and Fiscal Responsibility. In addition to these five priority areas, affordable housing, parks, and environmental sustainability are also focus areas for the community and Council.

Initiatives and policies in these priority and focus areas can be directly impacted by federal and state legislation and regulations so it is essential for the City to be able to closely track legislation and regulatory proceedings and advocate for the City's best interests in a timely manner. Historically, the City has not had dedicated internal or external resources nor has there been a framework to guide work on legislative affairs. This has resulted in the City not being able to provide timely input on legislation or regulatory proceedings that could adversely impact the City's interests. The City may also have missed out on funding opportunities resulting from specific legislation.

Analysis:

Staff is recommending several ways to improve the process related to Legislative Affairs, enabling the City to quickly respond to bills or regulatory proceedings at the federal and state level and to also have timely access to funding opportunities. These recommendations are based on guidance from the League of California Cities and best practices from other peer cities.

Legislative Guiding Principles

In order to enable staff to provide input on bills or regulatory proceedings in a very short turnaround time staff is proposing a framework that outlines legislative guiding principles for Council input and a process that would then allow the City Manager to issue support or oppose letters on individual bills based on the approved priority areas. Council will be kept apprised in a timely manner on any support or oppose letters sent by the City Manager.

Staff is recommending the following Legislative Guiding Principles for Council input and consideration:

1. Protect Local Control

The City values its ability and authority to exercise local control, enable excellent public services and protect and enhance the quality of life for Milpitas residents and businesses. The City supports efforts to streamline regulations that simplify the job of running the City and opposes efforts that erode the City's authority to control its own affairs.

2. *Support Efforts to Keep Milpitas Safe*
The City supports legislation and policies that enable local officials to access resources to provide quality police, fire, emergency management, emergency medical services, youth violence prevention initiatives, and to engage the community in its own safety.
3. *Support Efforts to Create Affordable Housing and Address Homelessness*
The City supports legislation and policies that enable local officials to access resources to support the creation of affordable housing, address homelessness, and to strive for a balance of jobs and housing in each city across the region.
4. *Support City's Vision for Strategic, Sustainable, and Smart Growth*
The City strives to foster economic development, including planning and implementation of regional transportation and traffic congestion relief projects. The City supports legislation and policies that support local initiatives to develop or redevelop the community to strengthen the local and regional economy, to accommodate local workers' housing needs in places close to transit and jobs, and to continually improve services provided to the community.
5. *Protect and Increase Local Funding; No Unfunded Mandates*
Oppose legislation, policies, or budgets that have negative impacts on City services, revenues or costs. Support legislation that allows the City to recover costs related to state and federal mandates.
6. *Support and Promote Inclusive Communities*
The City values diversity and recognizes all residents, including immigrants, as valuable contributors to our community's success. Support legislation that helps our residents be safe, healthy, and able to thrive, while providing opportunities to active engage in civic, cultural, and economic life.
7. *Pursue or Retain Federal and State Funding for Key Efforts*
In order to support the City's efforts and key policies to provide quality services, affordable housing, transportation, and public infrastructure for its residents and businesses, it is necessary that the federal and state governments act as partners with local government and provide appropriate levels of funding for these City and regional efforts.
8. *Promote Livability and Environmental Stewardship*
The City values a sustainable quality of life in an urban environment. The City supports legislation and policies that emphasize sustainable development; improve environmental standards and the regulatory process; provide incentives and financial support for preservation of natural resources and climate action; promote greenhouse gas reduction, sustainable energy and water, and waste reduction policies; ensure equitable and effective regulations for Community Choice Aggregation (CCA) programs; support efforts to mitigate odor issues; and ensure that the City's policies are consistent with the City's Climate Action Plan.
9. *Promote Investment in Infrastructure*
The City supports legislation and policies that promote investing in the maintenance and rehabilitation of aging infrastructure and build system capacity expansion in a smart and sustainable manner.

Based on the above guiding principles, staff has developed the 2019 top Legislative Priorities that are outlined below.

State Legislation

- Wireless Telecommunications: Oppose efforts to weaken local government's ability to regulate wireless attachments on vertical infrastructure, and support efforts that take a balanced approach to accelerating broadband in an equitable and inclusive manner.
- Adult Use Marijuana Act and Medical Marijuana Regulation and Safety Act: Monitor regulatory structure for local government, advocating to protect local control, including dual licensing requirements and local constitutional police power.
- Statewide Emergency Preparedness Funding: Explore state legislation to fund local emergency preparedness and resilience planning and training.
- Emergency Medical Services: Support legislation that would provide additional funding for emergency medical services and improve routing of patients to appropriate locations (AB2118 and AB 3115).
- Homelessness Funding: Pursue additional funding to address homelessness.
- Streamlining Housing Development: Support efforts to streamline housing development, increase accountability of cities and enforcement of housing goals, and create and preserve more affordable housing.
- Accessory Dwelling Units: Support efforts to streamline the addition and permitting of ADUs while ensuring their safety and the fair allocation of utility costs.
- Regional Transportation Issues: Support legislation and projects that will alleviate traffic congestion and promote alternative modes of transportation.
- The California Environmental Quality Act (CEQA): Support legislation that would provide additional exemptions from CEQA for housing development consistent with local general plans and specific plans, especially for infill and transit-served projects. Provide additional exemptions for water efficiency and reclamation projects.
- State Reimbursement of Mandated Stormwater Quality Controls: Support efforts to require reimbursement of permit requirements that are unfunded mandates under the California Constitution.
- Local Funding Mechanisms: Support efforts to reestablish tax-increment financing or similar tools to provide needed financial resources for local governments to leverage private investment in affordable housing, transit and other transportation infrastructure, community-serving facilities, and economic development. Track Assembly Bill 11 (Community Redevelopment Law of 2019) and any other relevant bills.
- Online Sales Tax Reform: Support regulations or legislation that would require sellers to collect and remit sales and use tax from remote sales.
- Census 2020: Support state and local efforts to increase participation in the 2020 Census so as to ensure that critical funding to public agencies is based on as accurate a population count as possible.
- Equity in Civic Life and Access to City Services: Monitor and support legislation that supports the safety and wellbeing of all people in our community, including immigrants. Ensure that the rights of all residents are valued in a way that enables universal access to City services. Support legislation that facilitates the civic, economic, linguistic and social integration of immigrants.
- Mental Health: Support legislation that provides funding and resources to address mental health issues at the local level.
- Solid Waste, Recycling, and Organics: Track implementation of SB 1383 and impacts on solid waste program. Monitor and explore funding opportunities to comply with intensive inspection/enforcement, public education and outreach to divert organics from landfill.

- Clean Energy and Climate Action: Support legislation and regulation that expands clean energy and supports local efforts (e.g., provides funding such as through Cap and Trade funds) to reduce greenhouse gas emission and improve community resiliency.
- Electric Utility “Exit Fee”: Support legislation and regulation on the Power Charge Indifference Adjustment (PCIA) to increase the transparency, rate-payer fairness, and predictability of the fee Silicon Valley Clean Energy customers pay to exit a utility.
- Water Supply and Conservation Issues: Support urban runoff pollution prevention regulations, water conservation and recycling, and pollution controls.

Federal Legislation

- Wireless Telecommunications: Oppose efforts to weaken local government’s ability to regulate wireless attachments on vertical infrastructure, and support efforts that take a balanced approach to accelerating broadband in an equitable and inclusive manner.
- Equity in Civic Life and Access to City Services: Monitor and support legislation that supports the safety and wellbeing of all people in our community, including immigrants. Ensure that the rights of all residents are valued in a way that enables universal access to City services. Support legislation that facilitates the civic, economic, linguistic and social integration of immigrants.

Resources for Legislative Affairs

Staff is proposing a multi-pronged approach to ensuring there are adequate resources to support this effort:

1. Consider having dedicated staffing in the City Manager’s Office and leveraging program staff across departments. Based on Council input on process, staff would evaluate level of staffing required and bring forward as part of the Phase II Mid-Year budget requests. The position would be funded by multiple funding sources such as sewer, water, and solid waste utilities, in addition to the General Fund.
2. Continue to have the Mayor and Council represent the City’s interests on regional boards and committees such as Valley Transportation Authority (VTA), Cities Association of Santa Clara County (CASCC), Silicon Valley Regional Interoperability Authority (SVRIA), Silicon Valley Clean Energy (SVCE), Bay Area Water Supply and Conservation Agency (BAWSCA).
3. Leverage advocacy groups such as the League of California Cities, CASCC, California Association of Sanitation Agencies for wastewater (CASA), BAWSCA for potable water, SVCE and Cal CCA for clean energy, the Committee to House the Bay Area (CASA), California Chapter of the American Planning Association (APA), SPUR, Association of Environmental Professionals (AEP), California Building Industry Association (CBIA), and California Building Officials (CALBO).
4. Given the more direct impact of state legislation on the City, procure the services of a legislative advocacy firm, with a focus on specific state legislation related to City priorities and focus areas. The selected firm shall have an established and active presence in Sacramento. Services provided by the firm could include monitoring and providing reports to the City, advocating on the City’s behalf on specific legislation, and identifying potential State grants which align with the City’s mission and values and assist in the writing of grant proposals and the acquiring of letters of support for grant proposals. Continue to use City Attorney’s office to track and monitor federal legislation.

Fiscal Impact: Based on Council direction, staff will bring forward a funding proposal for staff and consultant resources as part of the Phase II Mid-Year budget requests.

Recommendation: Receive a report on Legislative Framework and provide direction to staff on Legislative Guiding Principles and resources for legislative affairs.

Attachment: None

- XV. **REPORTS OF MAYOR & COUNCILMEMBERS – from the assigned Commissions, Committees and Agencies**
- XVI. **NEXT AGENDA PREVIEW**
 - 20. [Next Regular Council meeting: January 15, 2019](#)
- XVII. **ADJOURN JOINT MEETING**

NEXT SPECIAL CITY COUNCIL MEETING
WEDNESDAY, DECEMBER 19, 2018

NEXT REGULAR CITY COUNCIL MEETING
TUESDAY, JANUARY 15, 2019